

AG Contract No. KR96-1842-TRN
ADOT ECS File No. JPA 96-113
Project: 090 CH 321 H4244 01L
Section: Jct. SR-90/SR-92

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SIERRA VISTA

THIS AGREEMENT is entered into 4 OCTOBER, 1996,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF
TRANSPORTATION (the "State") and the CITY OF SIERRA VISTA, acting by and
through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The State has planned (but not programmed) an intersection improvement project at the junction of SR-90 @ SR-92 during FY98. The City has requested that the State accelerate the project to State FY97, and desires to advance the State the reasonable direct actual cost of the project, in an amount estimated at \$300,000.00, with the State repaying the City during State fiscal year 1999.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. <u>21095</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>10/04/96</u>
<u>James Lee Hull</u> Secretary of State
By <u>Vicky Greenwood</u>

II. SCOPE

1. The State will:

a. Provide to State standards design plans, specifications and such other documents and services required for the intersection improvement project suitable for construction bidding and construction, and provide copies to the City for comment.

b. Invoice the City in the amount of \$300,000.00, and establish the funds in the State Treasurer's Local Government Investment Pool. Draw down and expend the funds as necessary to pay the State's contractors for the intersection improvement project. Be responsible for all costs associated with the project design, construction and maintenance over and above the City's contribution of \$300,000.00. Call for bids and award one or more construction contracts for the intersection improvement project. Administer same and make all payments to the contractor. Be responsible for any contractor claims for extra compensation.

c. Upon completion, approve and accept the project improvements as complete and provide maintenance.

d. Repay the City \$300,000.00 in a lump sum on or about 31 July 1998.

2. The City will:

a. Review the design documents and provide concurrence.

b. Upon receipt and approval of an invoice, advance the State \$300,000.00 as the State FY99 programmed amount for the improvements.

c. Upon completion and acceptance by the State, provide electrical energy to operate the traffic signal.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said improvements; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time by either party, or other competent authority, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Sierra Vista
City Manager
2400 E. Tacoma Street
Sierra Vista, AZ 85635

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF SIERRA VISTA

STATE OF ARIZONA

Department of Transportation

By Richard F. Archer
RICHARD F. ARCHER
Mayor

By A. Wayne Collins
A. WAYNE COLLINS
Deputy State Engineer


ATTEST

By Sandra L. Kenny
SANDRA L. KENNY
City Clerk

RESOLUTION

BE IT RESOLVED on this 13th day of August 1996, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Sierra Vista for the purpose of defining responsibilities for the design, construction and maintenance of intersection improvements to SR-90 junction SR-92 in Sierra Vista.

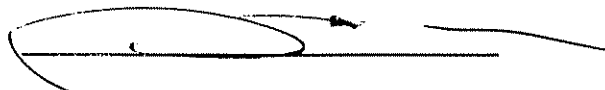
Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.


for LARRY S. BONINE
Director

APPROVAL OF THE CITY OF SIERRA VISTA ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF SIERRA VISTA and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 12th day of September, 1996.



City Attorney

RESOLUTION 3682

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO ACCELERATE THE SR90/92 INTERSECTION IMPROVEMENT PROJECT TO STATE FY 97 AND ADVANCE TO THE STATE REASONABLE DIRECT ACTUAL COSTS OF THE PROJECT (\$300,000.00 ESTIMATE) AND ALLOWS FOR THE STATE TO REIMBURSE THE CITY DURING STATE FISCAL YEAR 1999; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, it is the settled policy of the City Council, to authorize the City staff to seek, make application for, and accept any Federal and State funding assistance for improvements to our community that are beyond the funding capability of City revenues, when it is determined by the City Council to be in the best interests of the City; and

WHEREAS, the City and State share responsibilities of providing streets and public roadways which are safe and meet the transportation needs of the general public; and

WHEREAS, the intersection of SR90/92 supports a high volume of vehicle traffic and is in need of improvements; and

WHEREAS, it is in the mutual interest and benefit for ADOT and the City to improve the intersection at the SR90/92 junction; and

WHEREAS, both parties desire to enter into an Intergovernmental Agreement which will allow the City to advance reasonable direct actual costs to accelerate the project to State FY97 with ADOT repaying the City for said costs in State FY99.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of the City Council of seeking Federal and State funding assistance, be, and hereby is, reaffirmed.



STATE OF ARIZONA

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INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. KR96-1842-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 27th day of September, 1996.

GRANT WOODS
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:lsr
[1347]